

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**QUINCEY L. MOORE,**

**Defendant.**

**8:09CR32**

## ORDER

This matter is before the court on the defendant's motion for an extension of time in which to file pretrial motions (Doc. 35). The motion does not comply with [NECrimR 12.1\(a\)](#) and paragraph 9 of the Progression Order (Doc. 25) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Nor is there a certificate of service, as required by [NECrimR 49.5](#).

For these reasons,

**IT IS ORDERED** that the motion is held in abeyance until February 25, 2009. If the deficiencies noted above are not cured by **February 25, 2009**, the motion will be denied.

**DATED February 20, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**